

**UNITED STATES DISTRICT COURT OF THE VIRGIN ISLANDS  
BANKRUPTCY DIVISION**

**COMPLAINT**

**FOR CIVIL RACKETEERING, CIVIL VIOLATIONS OF THE CRIMINALLY  
INFLUENCED AND CORRUPT ORGANIZATIONS ACT, FOR DEPRIVATION OF  
CIVIL RIGHTS UNDER THE COLOR OF LAW AND FOR OTHER RELIEF**

**EXHIBIT 1**

**Mr. Benta's August 29, 2011, Affidavit**

### AFFIDAVIT OF OAKLAND BENTA

After being duly sworn Affiant deposes and swears that the following is based on his personal information:

On July 29, 2011, at approximately 9:15 a.m., two vehicles drove into the yard, one operated by a female and the other occupied by two male individuals, arrived at the Prosser's residents in Estate Shoys on St. Croix and identified themselves as agents of Christies. They said that they were there to collect bottles of wine from the estate. I opened the door to the guest house where the wines were stored and gave access to the Agents. When they entered into the room their hands were empty. Their hands were empty for the entire visit. The only device one of the male Agent accessed was his cell phone, which he removed from a phone case he had attached to his waist, and used to make several calls.

The air condition was on and functioning when I opened the door to the guest house and gave access to the Agents. One of the male Agents upon entering the guest house said that they were not going to take the wines because the room temperature was about 75 degrees. He immediately called the trucking company and canceled their services for the pickup of the wines.

One of the male Agents turned to me after they walked around the room and asked me if the window air conditioning unit, which was plugged in and was on at time, was the only thing keeping the wine cool and I said yes. He got on his cell phone and called someone and began to describe the room and explained to the party on the other end of the phone that the room and wines were being kept cool by a window air conditioning unit. He said to the party on the phone that the air condition was on but he didn't think it was cool enough.

At no time did I observe any of the Agents with a thermometer or any device to confirm the inside air temperature of the guest house. When I stepped into the room I felt that the temperature was notably much cooler inside the room than the exterior of the building. The female who was also inside the guest house said to the male individuals that the wine should be ok because the room was cool and the wines were not exposed to the outside heat. One of the male Agents replied that the room was 75 degrees when it should have been 55 degrees.

She said that she could check with some of the local vendors to see if they would be interested in some of the wines. One of Agents said that they don't want to do anything with the wines.

After canceling the trucking services the Agents began to inspect a few bottles of wine, and while they were doing so one of the Agent's asked me if there were any other bottles of wine on the property. I advised him that all the wines were removed from the main residence and placed in the guest house. He said he can remember that there was a cooler where wines were stored in the main house pool area and requested to go into the main house pool area. I advised him again that all the wines were removed from the main house as well as the cooler in the pool area and placed in the guest house.

The Agent returned to the guest house after speaking with me and continued the wine inspection. Within a few minutes he came back to me while he was speaking on the phone and said that Mr. Jim Carroll wants to talk to me. I declined to talk to him.

At about 10:30 the agent informed me that they were finished and were leaving. Before leaving he made a phone call then came back to me and asked to count all the bottles of wine. I immediately called Mr. Prosser and advised him that the Agents from Christies will not be taking the bottles of wines and they wanted to count the bottles of wines. Mr. Prosser advised me that they were there to pick up the wines and nothing else. I returned to the Agents and advised them

that it is understood that they were there to pick up the bottles of wines and one of the male Agent replied that they were not going to take them. They were advised that if they were not going to take the bottles of wine there was no other business to be conducted at this time and one of the male Agent said they were done here anyway we can't do anything with the wines.

They came out of the guest house and stood in the yard and spoke for a few minutes with each other. The female said to the male individuals that she could secure the boxes for them and one of the Agents began to explain to her that it will be hard for Christies to sell the wines because some of the labeling was damaged and they did not like where the wines were kept. She explained that she was referring to the empty boxes they brought to place the wines into. She asked both male individuals what they were going to do for the rest of the day and they said that they were going to hang out on the beach. After they had their conversation and were ready to leave they turned to me and said they were leaving and thanked me for my assistance and I replied that they were welcome. They got into their respective vehicles and left the Prosser's residence. They were not escorted off of the property but left when they were through with their conversation.

At no time during the visit by the Agents was I told by anyone of them, that there was any leakage of wine, nor did they show me any leakage.

The Agents spent a few minutes checking a few bottles of wine but spent most of the time out of the hour and fifteen minutes in the guest house sheltering from the rain, (which began to fall about 9:32) and waiting for it to stop falling so that they could leave.

I conducted an inspection of the guest house after the Agents departed the Prosser's residence with the assistance of Mr. Laurell Williams and found that the window **air conditioning unit was unplugged**. I plugged it back in and made sure it was functioning and cooling the room. All the bottles were intact and none were broken. A thorough inspection was made of the floor and counter top and no leakage of wine was found coming from any of the cases of wines, individual bottles in the crates and from those in the open cooler.

No other vehicles showed up at the Prosser's residence for the day after the Agents left the premises. The front gate to the residence was lock and secured at 7:30 p.m. I returned at 7:00 a.m. the next day with a thermometer. The temperature was 68 degrees.

FURTHER AFFIANT SAITH NOT.

Date:

  
OAKLAND BENTA

TERRITORY OF THE U.S. VIRGIN ISLANDS )  
DISTRICT OF ST. CROIX ) ss:

The foregoing Affidavit was sworn to and subscribed before me by **Oakland Benta**, on this

29<sup>th</sup> day of August, 2011

  
NOTARY PUBLIC

My Commission Expires:

JEFFREY B.C. MOORHEAD  
Notary Public, U.S. Virgin Islands  
LNP-021-09  
Commission Expires July 26, 2013